



EUROPEAN COMMISSION

Brussels, 06.06.2022
C(2022) 3850 final

Ms. Sofia Gualandi
3 Quai des Pecheurs
67000 Strasbourg
France

**DECISION OF THE EUROPEAN COMMISSION PURSUANT TO ARTICLE 4 OF THE
IMPLEMENTING RULES TO REGULATION (EC) No 1049/2001¹**

**Subject: Your confirmatory application for access to documents under
Regulation (EC) No 1049/2001 - GESTDEM 2021/7914**

Dear Ms. Gualandi,

I refer to your e-mail of 7 January 2022, registered on the same day, in which you submitted a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents² (hereafter ‘Regulation (EC) No 1049/2001’).

Please accept our apologies for the delay in the handling of your request.

1. SCOPE OF YOUR REQUEST

In your initial application of 7 December 2021, addressed to the Secretariat-General of the European Commission, you requested access to, I quote:

‘the two regulatory scrutiny board's opinions repeatedly rejecting the DG JUST's draft proposal for a directive on sustainable corporate governance (file reference: https://ec.europa.eu/info/law/betterregulation/have-your-say/initiatives/12548-Sustainable-corporategovernance_en)’

¹ OJ L 345, 29.12.2001, p. 94.

² OJ L 145, 31.5.2001, p. 43.

Your request was passed to the relevant office in charge of these matters. The European Commission identified two documents as falling within the scope of the request:

- The Regulatory Scrutiny Board's opinion on the Impact Assessment to accompany the Proposal for a Directive on Sustainable corporate governance, 7 May 2021, Ares(2021)3065513, (hereafter 'document 1');
- The Regulatory Scrutiny Board's opinion on the resubmission of the Impact Assessment Report to accompany a Proposal for a Directive on Sustainable Corporate Governance, also containing the initial submission of 7 May 2021, 26 November 2021, Ares(2021)7290822, (hereafter 'document 2').

In its initial reply of 6 January 2022, the Regulatory Scrutiny Board refused access to these documents on the basis of the exceptions laid down in the first subparagraph of Article 4(3) (protection of the decision-making process) of Regulation (EC) No 1049/2001.

In your confirmatory application, you request a review of the initial reply of the Regulatory Scrutiny Board.

2. ASSESSMENT AND CONCLUSIONS UNDER REGULATION (EC) NO 1049/2001

When assessing a confirmatory application for access to documents submitted pursuant to Regulation (EC) No 1049/2001, the Secretariat-General conducts a fresh review of the reply given by the service concerned at the initial stage.

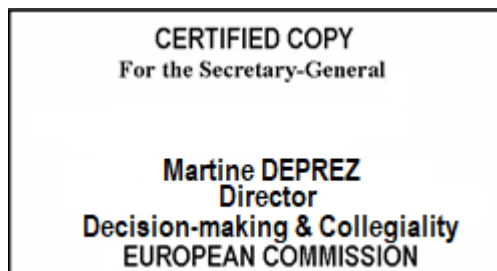
Following this review, I am pleased to inform you that full access is granted to documents 1 and 2. Both documents are published under reference SEC(2022) 95 on the Register of Commission Documents at [https://ec.europa.eu/transparency/documents-register/detail?ref=SEC\(2022\)95&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SEC(2022)95&lang=en).

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3. MEANS OF REDRESS

Finally, I draw your attention to the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,



For the Commission
Ilze JUHANSONE
Secretary-General